APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,714	02/08/2007	Wolfgang Eberdorfer	AT030029US1	6118

24737   7590   09/27/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
CHU, KIM KWOK

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
09/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7,9-15 and 17-21_ is/are rejected.

7)☒ Claim(s) _8 and 16_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 November 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. § 102 that form the basis for the rejections under

this section made in this Office action:

> *A person shall be entitled to a patent unless --*
> *(b) the invention was patented or described in a printed*
> *publication in this or a foreign country or in public use or on*
> *sale in this country, more than one year prior to the date of*
> *application for patent in the United States.*

2.   Claim 1-7, 9-15 and 17-21 are rejected under 35 U.S.C. §

102(b) as being anticipated by Takagi et al. (U.S. Patent

6,134,214).

3.   Takagi teaches a data carrier having all of the structures

as recited in claims 1-7, 9 and 10. For example, Takagi teaches

the following:

     Regarding Claim 1, the data carrier (Fig. 1)

with at least one data recording area ZN0 (Fig. 2) in which data

recording area ZN0 data are stored in accordance with a

predefined data recording standard (Fig. 2; user data is stored

with error detection/correction coding; column 2, lines 42 and

43), and at least one defective area PDL (Fig. 2; primary

defective list in lead-in area; column 4, liens 15-17) is

embedded (surrounded by recording area ZN0-ZNm), which defective

area PDL is designed in such a way that it comes into conflict

with at least one parameter of the predefined data recording

standard (user data in ZN0 is formatted/coded differently with

PDL), as well as with at least one defect localization area

(Fig. 2; PDSA0 within the PDL) containing position information

(address) about the position of the at least one defective area

PDL on the data carrier (Fig. 11; column 12, lines 27-31).

Regarding Claim 2, the parameter of the data recording

standard with which parameter the defective area PDL (Fig. 2)

comes into conflict (can not used by the user) defines a

physical parameter of the data carrier (Fig. 1; lead-in area is

not rewritable/recordable for user data such as media and text

data).

Regarding Claim 3, the parameter of the

data recording standard (user data recording standard includes

error coding such as MP3/MP4 etc.) with which parameter the

defective area PDL (primary defective list) comes into conflict

is a logical (address) parameter of the data recording standard

(Fig. 2; lead-in area is not for user recording).

Regarding Claim 4, the defective area PDL is in conflict

with the at least one parameter of the predefined data recording

standard (user data recording standard such as MP3 etc.) in

such a way that the conflict cannot be rectified by standard-

compliant error-correction measures in accordance with the data

recording standard (Fig. 2; PDL cannot be access by an user).

Regarding Claim 5, in relation (read) to data

scanning means 10 (Fig. 5), the defect localization area PDL is

located before the data recording area (Fig. 2).

Regarding Claim 6, in relation (read) to data scanning

means 10 (Fig. 5), there is a defect localization area PDSA0

(Fig. 2; address) located before each defective area (Fig. 2;

address information such as an header is always located before a

data area for information accessing).

Regarding Claim 7, at least one defective area PDL

contains identification information (Fig. 2; defective sector

locations recorded in PDL is an identification information of

the carrier).

Regarding Claim 9, the position information PDSA0 (Fig. 2)

about the position of the at least one defective area PDL on the

data carrier comprises a start position information PDSA0 and on

end position information PDSAn of each of the defective areas

(listed in PDL) along a data track in the data recording area

(Fig. 2; PDSA0-PDSAn are addresses of the detective areas in the

data recording area/user area).

Regarding Claim 10, the data carrier is an optical data

carrier, such as a CD, a CD-ROM or a DVD (Fig. 1; column 4,

lines 42 and 43).

4.   Takagi teaches a data playback device having all of the

elements and means as recited in claims 18-21. For example,

Takagi teaches the following:

      Regarding Claim 18, the data playback device (Fig. 5)

for reading data from a data carrier 8, wherein the data are

stored in a data recording area DuA (Fig. 2) of the data carrier

in accordance with a predefined data recording standard (Fig. 2;

user data is stored with error detection/correction coding;

column 2, lines 42 and 43), wherein at least one defective area

PDL (Fig. 2) is embedded (surrounded by) in the data recording

area DuA (Fig. 2), which defective area PDL is designed in such

a way that it comes into conflict with at least one parameter of

the predefined data recording standard (user data in ZN0 is

formatted/coded differently with PDL), , wherein the conflict

can preferably not be rectified by standard-compliant error-

correction measures in accordance with the data recording

standard (Fig. 2; PDL cannot be access by an user), and wherein

the data carrier 8 has at least one defect localization area

PDSA0 (Fig. 2) containing position information about the

position of the at least one defective area PDL on the data

carrier comprising: scanning means 10 (Fig. 5; optical pickup)

for scanning the data carrier 8 for the purpose of reading the

data from the data recording area DuA and of reading the

position information (addressees) about the position of the

defective area from the defect localization area PDSA0, scanning

control means 18 (Fig. 5) for controlling the scanning means 10,

switching means 33 for switching the scanning means 10 and/or

the scanning control means 18 between a standard data playback

mode and a defective area control mode (Fig. 10), depending on

the position information about the position of the defective

area.

Regarding Claim 19, the scanning means 10 are designed to

enable reading of identification information from the defective

area in the defective area control mode (Fig. 10; error

detection).

Regarding Claim 20, comparing means 13 for comparing the

identification information with default values are provided

(Fig. 5; error detector/corrector compares address and error

information).

Regarding Claim 21. comparing means 13 are designed to

prevent (fail) reading of the data from the data carrier if the

identification information does not match the default values

(disk error such as address error in PDL prevent the error

detector/corrector 13 read data from the disk).

5.   Method claims 11-15 and 17 are drawn to the method of using

the corresponding apparatus claimed in claims 18-21. Therefore

method claims 11-15 and 17 correspond to apparatus claims 18-21

and are rejected for the same reasons of anticipation as used

above.

Allowable Subject Matter

6. Claims 8 and 16 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base

claim and any intervening claims.

7.   The following is an Examiner's statement of reasons for the

indication of allowable subject matter:

     As in claims 8 and 16, the prior art of record fails to

teach or fairly suggest an information recording carrier having

following features:

     the identification information comprises one or more of the

following items, namely a serial number, a personal

identification number, a finger print and a digital file, such

as an image file.

     The features indicated above, in combination with the other

elements of the claims, are not anticipated by, nor made obvious

over, the prior art of record.

Related Prior Art

8.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

Park et al. (6,477,126) is pertinent because Park teaches a

defective management information containing addressees of

defective areas.

Takahashi (6,373,800) is pertinent because Takahashi

teaches a defective management information containing addressees

of defective areas.

9.   Any inquiry concerning this communication or earlier
communication from the examiner should be directed to Kim CHU
whose telephone number is (571) 272-7585 between 9:30 am to 6:00
pm, Monday to Friday.

       If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Hoa Nguyen, can be
reached on (571) 272-7579.

       The fax number for the organization where this application
or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished application is available through
Private PAIR only. For more information about the PAIR system,
see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/
Examiner AU2627
September 16, 2010
(571) 272-7585

/William J. Klimowicz/
Primary Examiner, Art Unit 2627